



IN REPLY REFER TO:

N3615(NER/RS&S-NRP)

United States Department of the Interior

NATIONAL PARK SERVICE
Northeast Region
United States Custom House
200 Chestnut Street
Philadelphia, PA 19106

FEA 19 2004

Donald S. Welsh, Regional
Administrator U.S. Environmental
Protection Agency Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Mr. Welsh:

This is in response to your December 3, 2003 letter to Virginia Governor Warner regarding implementation of the new eight-hour ozone standard. We are providing the following comments for consideration by the Environmental Protection Agency (EPA). We understand that the designation for the non-attainment area, that includes Shenandoah National Park, is currently being finalized. Any nonattainment designation; especially those affecting National Park Service (NPS) units, should encompass existing emission source areas and potential emission growth areas, so that necessary emission reductions can be accomplished. We believe the Commonwealth's recommendation for the Park, as currently supported by EPA, does not meet those objectives. The enclosed statement provides more details.

If you have questions, please contact Holly Salazer, Northeast Regional Air Resources Coordinator, at 814-865-3100,

Sincerely,

Marie Rust
Regional Director
Northeast Region

Enclosure

cc:

Makeba Morris, Chief, Air Quality Planning Branch, EPA Region III
1650 Arch Street, Philadelphia, PA 19103-2029, w/copy enclosure
Robert Burnley, Director, Virginia Department of Environmental Quality
629 Main Street, Richmond, VA 23240-0009, w/copy enclosure

bcc:

G. Olson, SHEN, w/copy of enclosure

ARD, B. Mitchell, WASO, w/copy of enclosure

Hsalazer - w/copy of enclosure:bh:02/12/04

Regional Director's reading file copy, w/copy of enclosure

Comments to Proposed Nonattainment Area Boundary Recommendations
For Shenandoah National Park, Virginia
Prepared by the
National Park Service

The National Park Service (NPS) has been following federal and state activities related to implementation of the new 8-hour ozone standard, including proposed rules by the Environmental Protection Agency (EPA) on various alternatives for designating and classifying nonattainment areas that are violating the ozone standard. We are especially concerned about the appropriateness of nonattainment area boundary recommendations proposed by the Commonwealth of Virginia (Commonwealth) for Shenandoah National Park (Park) in their proposed designation letter to EPA Region III last year. The NPS informed the Commonwealth of our concerns regarding their recommended designation for the Park in a July 15, 2003 letter to Mr. Robert Burnley, Director of Virginia Department of Environmental Quality. The NPS believes any nonattainment designation, especially those affecting NPS units, should encompass existing emission source areas and potential emission growth areas, so that necessary emission reductions can be accomplished. We believe the Commonwealth's recommendation for the Park, as currently supported by EPA, does not meet those objectives.

This is in response to your December 3, 2003 letter to Virginia Governor Warner. The NPS believes it is necessary to provide the following comments for consideration as EPA finalizes its designation for the nonattainment area that includes the Park. The decision by both the Commonwealth and EPA to designate only a portion of the Park as nonattainment may have adverse consequences for the Park for many years to come. Out of 39 park units in EPA Region III located in proposed ozone nonattainment areas, Shenandoah National Park – a federal Class I area – is the only park unit that would not be fully contained within the boundaries of its associated nonattainment area. The NPS is also concerned about the manner in which the Park has been separated from surrounding large source areas that may be contributing to the Park's ozone violations. The implications of these decisions for the Park's air quality and management are not acceptable to the NPS, for reasons discussed below.

Given the nonattainment area designation requirements under Section 107(d)(1) of the Clean Air Act (CAA) and the nonattainment boundary analysis criteria (i.e., eleven factors) issued to states by EPA in March 2000, the NPS believes a broader area of nonattainment is warranted in order to effectively bring the Park into compliance within a reasonable timeframe. As currently proposed, the Park is faced with the challenge of managing only a portion of its land as nonattainment with the remaining area to be managed as an attainment area. Furthermore, the nonattainment area only includes portions of Park land in two counties. The NPS does not want to be unduly burdened with meeting stringent nonattainment compliance requirements when more emission-intensive activities and sources exist in nearby non-Park lands.

The NPS is also concerned about the manner in which the Park has been separated from the surrounding larger source areas. In our view, EPA has not conducted a

comprehensive analysis of the eleven factors it issued to states in March 2000 for analyzing nonattainment boundaries. The NPS believes all eleven factors should be considered in altering the boundaries of the applicable consolidated metropolitan statistical area (CMSA), in this case the District of Columbia-Maryland-Virginia-West Virginia CMSA. As per the December 3, 2003 letter, EPA supports dividing the aforementioned CMSA into six smaller nonattainment areas and eliminating some CMSA counties around the fringes of these smaller areas. This action effectively separates the Park from what was previously an "adjacent CMSA." It is interesting to point out that, in the past, EPA has provided leadership in recognizing the regional nature of the ozone problem and the role of transport in causing violations in areas that would otherwise have healthy air quality, such as the Park. It is therefore difficult to understand why the EPA supports the creation of smaller nonattainment planning areas and concurrently is willing to designate nonattainment areas within these "clean" areas (i.e., the excluded CMSA counties mentioned above). This patchwork of designation most likely will be ineffective in dealing with this regional issue of poor ozone conditions and does very little to address the transport issue.

It is also likely the exclusion of CMSA counties (adjacent to the Park) from the six proposed smaller nonattainment areas could potentially encourage new emissions growth in those excluded counties since less restrictive requirements are likely to apply in these areas relative to the surrounding nonattainment counties. The same potential for growth exists in the remaining counties in which the Park is located since they are also excluded from the limited nonattainment designation proposed for the Park.

Furthermore, based on EPA's proposed implementation rule for the 8-hr standard, the NPS is concerned the Park's partial classification will be designated as a rural transport area under Section 182(h) of the CAA due to its isolation from the large source area (i.e., CMSA). The implications of this classification, as we understand them, would be in part, that the Park will receive little or no consideration in the State Implementation Plan development process, including the lack of any control strategy requirements specific to protecting and improving Park ozone air quality. In addition, no demonstration for attainment of the standard at the Park would be required of the Commonwealth by the EPA.

The NPS would like to suggest the following guiding principles to be used as general criteria for treatment of NPS units, which have monitored violations of the 8-hour ozone standard. The NPS requests EPA to consider these criteria as it finalizes designations affecting park areas. Comments specific to the situation of Shenandoah National Park are included in italics.

- For an affected park unit near a major urban (e.g., metropolitan statistical area), 8-hour ozone nonattainment area, the park area should be coupled with the metropolitan nonattainment area. The park area may later be decoupled from the urban portion if and when the urban area or the park meets the standard and the other area does not. *The NPS believes it is inappropriate to dismantle the District*

of Columbia-Maryland-Virginia-West Virginia CMSA effectively disconnecting the Park from attainment requirements and timeframes of the large source CMSA

- Unless a park area is clearly in more than one air shed, with ozone air quality being markedly different between air sheds, the entire park should share the same designation status. *This is essential for ease of administering park management programs.*
- Except in very limited circumstances, park areas should not be designated as rural transport nonattainment areas under CAA Section 182(h). *Neither the Commonwealth nor EPA has publicly addressed the likelihood of this classification for the Park and its implications for park management and air resources.*

These principles are based in part on EPA's current guidance regarding the criteria (i.e., 11 factors) to be used by states and tribes to make nonattainment boundary recommendations different from EPA's presumptive boundary definitions (e.g., the larger of the metropolitan statistical area (MSA), the CMSA, or the existing 1-hour ozone nonattainment boundaries). The NPS also factored in an "administrative ease" component that would assist the NPS in administering park management programs in parks that are affected by nonattainment area designation. Perhaps most important is consideration of the CAA's specific mandate in Section 107(d)(1), which requires states to designate as *"nonattainment, any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) (emphasis added) the national ambient air quality standard for the pollutant."*

In conclusion, designating only a small portion of the Park as nonattainment and isolating the park from large source areas will do very little to protect the entire Park, its more than one million annual visitors and its ozone sensitive resources from unsafe ozone conditions. Classification as a rural transport area will provide no assurance that expeditious attainment of the ambient ozone health standard will result. The Park's isolation and its partial designation as it now stands will only further delay improving the air resources of the Park.

Thank you for this opportunity to outline our concerns about this important issue of ozone nonattainment designation and its affect on Shenandoah National Park in the Commonwealth of Virginia. It is the desire of the NPS to be a part of this important process that will impact our ability to protect park resources. NPS staff is available to meet with you to discuss these concerns in more detail as you work to formulate a final decision regarding the boundaries of affected nonattainment areas.